

REMARKS

Claims 1-7, 9-11 and 13-34 are pending in this application. All of the pending claims were rejected under 35 U.S.C. 103(a) based on Bonnell. Claims 1, 11, 22, 31, and 32 are currently amended. Reconsideration is respectfully requested.

Independent claims 1, 11, 22, 31, and 32 have been amended to recite a new limitation which distinguishes Bonnell. Support for the amended claim language is in the specification at page 5, line 22 - page 6, line 4, and also at page 13, lines 8-19. Claim 1, for example, distinguishes Bonnell by reciting “the network device having a loop back address via which the downloaded network management application accesses local storage and resources using a local network protocol stack and local network protocol parameters.” Claims 11, 22, 31 and 32 recite similar language. Claims 2-7, 9, 10, 13-21, 23-30, 33 and 34 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. Withdrawal of the rejections of claims 1-7, 9-11 and 13-34 is therefore requested.

The Office Action Summary indicates that the action is Final. Since the action is responsive to a RCE, that would make this a first action final rejection. Applicant assumes that the indication of finality on the Summary page is a typographical error because the language of MPEP 7.42.09 was not recited in the Detailed Action and no justification for a first action final rejection is made. Clarification is requested. However, in the event that the action is actually meant to be final, Applicant requests that the finality of the action be withdrawn. The Office’s interpretation of the term “reconfiguration,” and the reading of that teaching into Bonnell is improper and warrants still further discussion. As characterized by the Office “recipient console **modify their own** event caches in response to the agent’s message … the fact that all consoles

are updated has direct effect on future processing of the network because it **allows consoles to coordinate.**¹ (emphasis added) The claim limitation at issue is not that there is some historical data which devices reference to make their own reconfiguration decisions, but rather that the network devices are forcibly reconfigured by commands originating from the management server. Claim 1, for example, recites “the network management instructions including, reconfiguring how network traffic is processed.” The independent claims have been amended to expedite allowance of this application, but the reconfiguration limitation is still further reason why the claims distinguish Bonnell.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. The Examiner is invited to telephone Applicants' Attorney to discuss any matters which might expedite allowance of this application.

Respectfully Submitted,

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Date

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¹ OA mailed 04/05/2006, Page 16, Response to Arguments